

Executive Summary

In 2002, 292 people were killed and 6,570 people were injured in 8,922 alcohol-related crashes. Alcohol-related crashes account for 6.9% of all crashes in the state, 40% of all motor vehicle fatalities, and 11% of all motor vehicle injuries. Public agencies are continually searching for new ways to deal with the frustrating problem of drunk driving.

Although very little research exists on vehicle immobilization and seizure, communities to prevent drunk driving have used these tools on a very limited basis. In the late 1980s, Ignition Interlock Devices (IIDs) emerged as a high-tech solution to prevent repeat drunk driving. As a result, IIDs have become a popular sanction compared to other sanctions such as immobilization.

In 1993, the Wisconsin Legislature passed Act 277, an omnibus drunk driving bill that allowed for the application of IIDs around the state. Ten years later, it was time to look critically at how IIDs and immobilization/seizure have been working.

1999 Wisconsin Act 109 required the Department of Transportation to promulgate a revised administrative rule regarding the provision of IIDs and the evaluation of vendors. **In addition, section 88(3) of the Act stated:**

“The Department of Transportation and the Department of Health and Family Services shall study jointly and evaluate the effectiveness of using ignition interlock devices and vehicle immobilization as methods of reducing the prevalence of drunk driving and the recidivism of drunk-driving offenders. The departments shall consult with the counties, the law enforcement agencies, the courts and the providers of services to alcohol abusers regarding this study and evaluation. No later than the first day of the 24th month beginning after the effective date of section 343.301 of the statutes, as created in this act, the department shall submit a report to the legislature in the manner provided under section 13.172 (2) of the statutes that contains the conclusions of the departments’ study and evaluation and any recommendations concerning implementation of the conclusions.”

The purpose of this report is to fulfill the above mandate by studying the effectiveness of IIDs and other vehicle sanctions through research on the topic as well as identifying opinions among professionals at the state and local level.

This report reflects two phases of research (Phase I and Phase II) which were conducted during 2003 on the topic:

Phase I Literature Review (Winter 2002, Spring 2003):

This phase constituted the first stage of the evaluation, providing a literature review and prospectus for future work and study. Statutory law, academic papers, program evaluations, and internet sources were synthesized. Law enforcement, alcohol assessment agencies and legal professionals thought to having familiarity with Ignition Interlock Devices were also consulted, and preliminary data was included. As the research proceeded, it was discovered that IIDs were used in much higher numbers than vehicle immobilization. As a result, while vehicle immobilization will be addressed in this report, greater emphasis will be placed on Ignition Interlock Devices as the current, and more popular sanction.

The Phase I Report (included within this document) is divided into the following four chapters:

- **Chapter One** provides a theoretical perspective on the crime of drunk driving, and an explanation of the psychology of a recidivist drunk driver. The repeat drunk driver is an unusual and relatively rare individual, and understanding this uniqueness is important in constructing an effective sanction. This chapter also attempts to explain how vehicle sanctions can be expected to work within this legal and psychological framework.
- **Chapter Two** examines the IID device itself, and lays out the chronology and development of the IID law in Wisconsin.
- **Chapter Three** compiles some preliminary data about the Wisconsin experience with IIDs, and looks closely at the scholarly research that has been conducted on the strengths and limitations of IIDs. This chapter also identifies research regarding alternative vehicle sanctions including: license suspension, electronic monitoring and vehicle immobilization.
- **Chapter Four** summarizes the findings, and lays a path for further research based upon the work reviewed in chapter 3. There is also a bibliography and glossary of terms included at the end of the report.

Phase I Report Findings

The principal findings of this report are as follows:

- **Vehicle immobilization can be costly and impractical in terms of law enforcement.** As with vehicle seizure, the lag time between orders and implementation can allow the driver to unload a nice car and assign the immobilization order to a “junker” vehicle. Also, vehicle immobilization can create other legal problems such as obstructing traffic and illegal parking depending upon where the vehicle is parked.
- **The inclusion of IIDs in the judicial toolkit is one of the principal legal changes of drunk driving law in the last decade.** As a result, IIDs have become more commonly ordered than other sanctions like vehicle seizure or immobilization.
- **IIDs attempt to provide a flexible and humane sanction, a device that allows the offender to conduct his/her life and travel fairly normally so long as she/he stays sober.**
- **Most IID orders in Wisconsin are not complied with** IIDs may work in a controlled environment, but the actual implementation leaves much to be desired. Plainly put, offenders infrequently comply with court orders for IIDs. Three significant factors exist: the expense to the driver of IID installation; the small possibility of being caught for shirking an IID order; and a general lack of knowledge about how IIDs work. In addition, many offenders fail to reinstate their driver’s license, which is required for compliance with the IID order.
- **Preliminary evidence suggests that IIDs are not uniformly assigned around the state and that there may be a geographic bias where areas closer to IID vendors assign IIDs more frequently** (Note however in Phase II, two vendors disputed the assertion that IIDs are not uniformly available statewide, and stressed their diversity statewide and their willingness to accommodate. One vendor noted that he operated in cities across the state and was equipped with a mobile van for service. One vendor acknowledged that service was not uniform, and that the distance and expense of traveling to service centers could further deter compliance).
- **Drunk drivers, even repeat drunk drivers, are a heterogeneous population.** Depending on their personality type, traditional treatments or other sanctions may work better than IIDs. IIDs have a place in preventing recidivism, but some have also suggested that better results could be achieved by disaggregating offenders for more individualized treatment. The Weinrath study concludes: *“Put simply, the success of Alberta’s [IID] program likely was due to more individualized management of impaired drivers than ... other programs.”*

- **Although popular, The IID is no “silver bullet.”** In controlled studies, IIDs work in the short term, while they are on the car; but it appears that there is not any long-term behavioral effect. IIDs may be more useful to the offender in the period immediately after arrest, but research suggests that money might be better allocated to different treatment, especially non-vehicular sanctions.
- **An IID may be the right choice for a small segment of the population (repeat offenders) responsible for drunk driving, however it does not address the repeat offender’s need for alcohol.** To be fair, it can also be argued that this may not be the purpose of IIDs. IIDs may simply protect the public from a repeat offender who can no longer be trusted on the road.
- **The implementation of IIDs is as important as how well the device works itself.** If looking at IIDs very narrowly, when compliance is enforced and resources are committed, they seem to work. But looking more broadly, when compliance is less supervised and the initial interest in IIDs has faded, the device becomes less effective. Research suggests that in order to make IIDs work as they are supposed to, more time and money needs to be devoted to IID enforcement and development of an effective process for compliance with the court order.
- **If IIDs are not worth the additional funding support, some have suggested that the money should go into traditional treatment for a substance abuse disorder and remediation, or else a new statutory sanction could be developed.**
- **The Federal rule requiring a one-year hard suspension for repeat offenders (two or more convictions within a 5-year period), thwarts the effectiveness of an IID program because an IID cannot be ordered until after the suspension has been satisfied.**

Phase II: Analysis with Legal Professionals, Law Enforcement, Counties, and Assessment Agencies (Summer 2003)

Opinions were collected on various aspects of IIDs and vehicle immobilization. The Department of Transportation distributed surveys to law enforcement, alcohol assessment professionals, district attorneys, judges and private attorneys statewide, and also consulted with IID vendors. By conferring with sheriffs, county human service agencies, district attorneys and circuit court judges, the study fulfilled the mandate of consultation with the counties.

The Phase II Report is divided into the following five chapters:

- **Chapter One** of the Phase II report discusses methodology, selection, and participation in the survey.
- **Chapter Two** shows participants' responses to several statements about IIDs and immobilization.
- **Chapter Three** presents responses to open-ended questions from each group surveyed, and conclusions drawn for each group.
- **Chapter Four** analyzes the responses as a whole.
- **Chapter Five** addresses the overarching issue of IID non-compliance, attempting to synthesize the concerns and suggestions articulated across all groups. The report concludes with the findings that have been summarized below.

Phase II Report Findings

- **Assessment professionals held a more optimistic view of IIDs, and sanctions generally, compared to law enforcement and legal professionals.**
- **The survey results for immobilization are mixed. Legal professionals and assessment agencies tend to hold a somewhat higher opinion of immobilization than do law enforcement. However, several respondents (i.e. law enforcement) indicated that immobilization has not proven to be an effective sanction, and that many counties do not have a vehicle immobilization program.**
- **Some respondents (e.g., law enforcement) were skeptical of the effectiveness of any vehicle sanctions due to practical concerns about enforcement – a respondent simply claimed, “They’re all ridiculous.”**
- **Many participants from all the groups surveyed mentioned the issue of ‘follow-through’ or ‘follow-up.’ The respondents felt that IIDs were not a lost cause, but that the state needed to take a more active role in order for the IID program to be effective.**

- **On the issue of coordination among courts, law enforcement and assessment agencies, there was general agreement that more cooperation and information sharing is needed and would be beneficial for everyone .**
- **Judges order IIDs more frequently than other sanctions, and some respondents thought this was because the offender bears the entire cost.** These same respondents thought that the IID has turned out to be an unreliable sanction because of this cost structure. Respondents were split on whether the cost of IIDs is fair, but agreed that requiring the offender to wholly pay for their sanction has not been successful thus far.
- **Many respondents from all the groups felt that more money needs to be committed to the IID program to make it more effective.** Respondents were split on where this money should go: some thought that funding enforcement would ensure IID success; some believed that preventative spending on education was the key; others believed money should assist offenders to right their lives after the offense.
- **Some respondents surveyed saw IIDs as politically attractive solutions that make good public relations.** However, others felt the IID was shallow, appealing on the surface but quite difficult to implement properly, and unable to address the underlying problems of drinking and driving in the long term.
- **Survey results indicate that public awareness of IIDs and the body of law surrounding them is minimal.** Assessment professionals, law enforcement and the courts often evaluated their own knowledge of IIDs as adequate or minimal, but rarely excellent.
- **Courts appear to exercise a certain amount of discretion in ordering IIDs.** In rural areas far from installation centers, judges are more hesitant to issue IID orders.
- **Some respondents indicated that IIDs are not uniformly available statewide, and this discrepancy has affected the distribution of IIDs.** Two vendors disputed the assertion that IIDs are not uniformly available statewide, and stressed their diversity statewide and their willingness to accommodate. One vendor noted that he operated in cities across the state and was equipped with a mobile van for service. Another acknowledged that service was not uniform, and that the distance and expense of traveling to service centers could further deter compliance.
- **One of the three IID vendors indicated that they promote the IID as a law enforcement tool to judges.**
- **The Federal, “repeater law” hampers the effectiveness of IIDs.** Since IIDs have been shown to be most effective when installed immediately after the

offense, the current one-year hard suspension, followed by an IID order, severely limits IID efficacy. Legal professionals in particular thought that more latitude should be given in ordering IIDs and sanctions in general.

- **Some respondents (from all three groups) felt that an effective IID program cannot place the burden of compliance solely on the offender.** These individuals indicated that one of the aims of the IID is to enhance public safety, and some public time and money is necessary to achieve this goal.

Suggestions from survey respondents

In the course of answering open-ended survey questions during Phase II, several participants suggested ways to improve IID service and implementation. These suggestions included:

- **Sliding scale payments.** The cost of IIDs repeatedly arose as a major reason for non-compliance. If lower-income offenders could pay less for the device, respondents suggested, compliance with orders would be higher.
- **A dollar-for-dollar reduction in fines with proof of IID payment and installation.** Rather than demanding that offenders with scant resources pay large fines and the full cost of IID installation, some participants suggested a system where the cost of verified IID installation would offset the fees levied in court.
- **Scheduling a second hearing to verify IID installation.** Offenders would be required to appear in court a certain amount of time after their sentencing to prove compliance.
- **Transfer the responsibility for tracking IIDs to the arresting agency, rather than the county sheriff.**
- **Make assessment professionals responsible for IID compliance, since they are in contact with the recidivists most frequently.**
- **Although unlikely, more than one participant thought that IIDs needed to be installed in every new vehicle.** With this in place, the court would only need to flip a switch to activate the IID on a repeat offender, removing the problems of compliance.

The remainder of this final report presents the detailed results from the two phases of the research study beginning with Phase I (a summary of the law and science and a review of the literature with respect to Ignition Interlock Devices and other vehicle sanctions) followed by Phase II which provides an analysis by law enforcement, legal professionals, alcohol assessment professionals and also including summary opinions by Ignition Interlock Device vendor.